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Westmoreland, CBS News Exchange Fire at News Conferences

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In an unusual prelude to an unusual court case, retired Gen. William C. Westmoreland and CBS News yesterday presented previews of their conflicting evidence and conclusions in Westmoreland's \$120 million libel suit against the network, now in a pretrial stage before a New York court.

The former U.S. military commander in Vietnam began the show-and-tell news conferences here by making public a four-pound stack of affidavits and documents intended to prove that he was libeled by a January, 1982, CBS documentary, "The Uncounted Enemy: A Vietnam Deception."

Westmoreland, who described the evidence gathered by his lawyers as "shocking," released affidavits by some of the highest officials of the Johnson administration, including secretary of defense Robert S. McNamara and CIA director Richard M. Helms, rejecting CBS' charge that "a conspiracy" within U.S. military ranks had concealed the strength of the communist enemy in Vietnam in the months preceding the 1968 Tet offensive.

CBS, in a news conference down the hall a few minutes later in the same hotel, handed out 1 1/4 pounds of papers intended to back up its report. Included were affidavits from several working-level intelligence officials saying that the intelligence estimates in question had been manipulated.

Richard D. Kovar, who described himself as a retired 30-year CIA veteran who prepares the daily intelligence report for President Reagan on a contract basis, said, "I found myself cheering aloud" while watching the CBS broadcast, which he called a "fair and accurate" portrayal that should be broadcast yearly on the anniversary of the Tet offensive.

The occasion for the news conferences was the filing by Westmoreland's lawyers of some of the extensive documents they have gathered through the legal "discovery" and affidavit process since the libel suit was initiated in September, 1982.

"If I were guilty as indicated by the broadcast, I could have been court-martialed," Westmoreland said, adding that the 90-minute television program attempted to "destroy" his 36 years of military service.

Many of the former officials whose sworn statements were obtained by Westmoreland said that they had been aware of an intelligence dispute about the proper estimate of communist troops in 1967

but that this was not a deception or conspiracy as charged by CBS.

McNamara said in his deposition that "It is inconceivable to me that MACV [the Military Assistance Command, Vietnam] arbitrarily reduced estimates of enemy strength as a result of this or any other dispute." McNamara was one of several former officials who said he was willing to testify for Westmoreland in the libel trial.

Among the documents made public by Westmoreland was a memorandum to CBS correspondent Mike Wallace from producer George Crile prior to Wallace's on-camera interview with Westmoreland. "Now all you have to do is break Gen. Westmoreland, and we have the whole thing ached," the memo said.

Asked about that comment, Crile said at the CBS news conference that Westmoreland had been denying by telephone before the interview that there had been a serious debate about the enemy strength estimates.

"I wanted to make sure that Mike was prepared to continue to present Gen. Westmoreland with the enormous bulk of the evidence so we could make sure he would address that question and not try to avoid it," Crile said.

In a deposition made public by CBS, former CIA intelligence analyst John T. Moore said that, based on his experience, including attempts to correct estimates of enemy strength in Vietnam, "I have become convinced that there was a conspiracy of cover-up among various elements of the intelligence community, including persons from MACV, CIA and DIA [Defense Intelligence Agency], to distort and to suppress intelligence information" prior to the Tet offensive.

Moore said that he left the CIA in July, 1970, "because I could no longer stand being in a bureaucracy which was lying to our government and public."

George M. Allen, a former CIA official who worked on intelligence regarding Indochina from 1950 to 1958, reported in a lengthy deposition that underestimates of communist strength had been adopted and maintained under high-level pressure to show "progress" in the war. Allen said that the CBS report "fairly and accurately" presented his views and recollections.

Allen said that he has heard no criticism of the CBS report from within the CIA. "A videotape of the report has been used in a professional development course for senior CIA officers as a case study in ethics and intelligence," he said.